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December 13, 2024

The Honorable Sherry R. Fallon
United States District Court for the District of Delaware
844 N. King Street
Wilmington, DE 19801-3555

VIA ELECTRONIC FILING

Re: United Therapeutics Corp. v. Liquidia Techs., Inc., C.A. No. 23-975-RGA-SRF

Dear Judge Fallon:

Pursuant to the Court's Memorandum Order (D.I. 225) and the discussion at the December 5, 2024 discovery conference, the parties provide this status letter on UTC's dispute regarding Liquidia's inequitable conduct allegations.

During the hearing, Liquidia addressed its "allegations of inequitable conduct associated with Dr. Rothblatt," and stated that it would withdraw those allegations. D.I. 226, Hr'g Tr. at 43:14-44:4. To resolve this dispute, Liquidia withdraws its allegations that Mr. Snader, Mr. Maebius, and anyone acting on UTC's behalf, committed inequitable conduct during prosecution by failing to disclose the statements made by Dr. Rothblatt in the 2018 Earnings Call to the USPTO contained in:

- 1) Liquidia's "Second Amended Invalidity Contentions" served on October 30, 2024, including without limitation those allegations contained in Section VII, pp. 171-188; and
- 2) Liquidia's "Final Invalidity Contentions" served on December 3, 2024, including without limitation those allegations contained in Section IX, pp. 199-223.

In view of those withdrawals, UTC agrees to withdraw its Motion to Resolve Discovery Dispute (D.I. 223) related to Dr. Rothblatt's statements. However, as noted during the hearing, the parties are still meeting and conferring regarding other issues with Liquidia's invalidity contentions.

Respectfully,



Michael Flynn (#5333)

Counsel for Plaintiff United Therapeutics Corporation

cc: Clerk of the Court
All counsel of record